

In re Application of: Dan ROTTENBERG et al  
Serial No.: 10/597,666  
Filed: June 20, 2007  
Office Action Mailing Date: January 5, 2009

Examiner: Susan Shan Su  
Group Art Unit: 3761  
Attorney Docket: 34955

### REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1, 3-6 and 8-19 are in this Application. Claims 1, 3-6, 9, 11-13 and 15-19 have been rejected. Claims 8, 13 and 14 have been canceled herewith. Claims 8, 10 and 14 have been objected to. Claims 1, 4, 10, 11, 17 and 19 have been amended herewith.

#### *Allowable Subject matter*

The Examiner has objected to claims 8, 10 and 14 as being dependent upon a rejected base claim and states that these claims would be allowable if rewritten into independent form.

The Examiner further states that no prior art is found to teach or suggest that the differential pressure regulating device is positioned in the interatrial septum of the heart or that the flow regulating mechanism is selected from the group of claim 10.

In the interest of expediting prosecution of this case, Applicant has elected to amend claims 1 and 11 to include the limitations of claim 8 and 14 (respectively) and amend claim 10 into independent form, thereby making claims 1, 10 and 11 and any claims dependent therefrom allowable.

In addition, Applicant has now amended claim 17 to include limitations pertaining to the interatrial position of the flow regulating device thereby also making this claim and any claims dependent therefrom allowable.

In view of the above amendments it is respectfully submitted that claims 1, 3-6, 9-12 and 15-19 are now in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: February 26, 2009